

The Mayor and Council of the Town of Townsend

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Introduced by: Councilmen Scott Lobdell
& Edgar Dugan

Introduction on: April 6, 2022



Mayor
Patrick Miller

Councilman
Ed Dugan

Councilman
Scott Lobdell

Councilman
Joshua Mertz

Councilwoman
Eschalla Clarke

Town Manager
Antonina Tantillo, MPA,

ORDINANCE 2022-002

AN ORDINANCE TO AMEND CHAPTER 24 OF THE TOWNSEND MUNICIPAL CODE RELATING TO SETBACK REQUIREMENTS

WHEREAS, Chapter 24 of the Townsend Municipal Code establishes zoning requirements for the Town of Townsend; and

WHEREAS, the Town of Townsend Planning Commission and Town Council have expressed concerns over setback requirements for accessory structures and

WHEREAS, the Town of Townsend Seeks to Amend Chapter 24 of the Townsend Municipal Code to revise side and rear setback requirements for accessory structures and maximum building height requirements for accessory structures in districts R, R-1A, R-1, R-2.

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE TOWN OF TOWNSEND (a majority of the members elected thereto concurring therein), that the following revisions hereby be incorporated into the noted sections of Chapter 24 of the Townsend Municipal Code with additions shown by underline and deletions shown by strikethrough as follows:

Section 1. Amend Chapter 24, §24.04.060 of the Townsend Municipal Code of the Town of Townsend by inserting the underlined phrase as depicted below:

24.04.060 Definitions - Zoning And Unified Development Code

"Accessory building" means a building detached from a principal building located on the same lot to the side or rear of the principal structure, and which is incidental and subordinate to the principal use or building. Examples of accessory buildings include but are not limited to a shed, tool house, garden house, greenhouse, gazebo, pergola, playhouse.

Section 2. Amend Chapter 24, §24.04.090 of the Townsend Municipal Code of the

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Town of Townsend by inserting the underlined phrase as depicted below:

24.04.090 Regulations Applicable To All Zoning Districts

Accessory buildings or structures shall be located so as to conform to the required setbacks for the zone in which the structure is located as specified in Appendix A of this zoning code. Accessory buildings or structures shall be located to the rear of the required front yard.

Section 3. Amend Appendix A to Chapter 24. by striking the 10-foot setback applicable to accessory buildings in the residential zones and by substituting in lieu thereof the numeral “5” and by striking the 35-foot maximum building height requirements applicable to accessory buildings in the residential zones and by substituting in lieu thereof the numeral “12” as depicted below,

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Appendix "A" Town of Townsend Zoning District Regulations										
	Preservation	R Residential	R-1A Residential	R-1 Residential	R-2 Residential	R-3 Residential	R-AA Residential	C Commercial	I General Industry	Residential Suburban
Minimum lot area	43,560 sq. ft.	12,500 sq. ft.	10,000 sq. ft.	9,000 sq. ft.	7,000 sq. ft.	*	7,000 sq. ft.	5,000 sq. ft.	43,560 sq. ft.	**
		13,500 sq. ft. (corner lot)	11,500 sq. ft. (corner lot)			*		6,000 sq. ft. (corner lot)		**
Minimum lot width	100'	100'	85'	75'	50'	*	50'	50'	100'	**
		110' (corner lot)				*				**
Minimum front yard	50'	25'	25'	25'	25'	*	25'	25'	50'	**
Minimum side yard	50'	10' each	10' each	10' each	10' each	*	10' each	10'	20'	**
	100' both	25' both	25' both	25' both	25' both	*	25' both	25' both	40' both	**
Minimum rear yard	40'	20'	20'	20'	20'	*	20'	10'	40'	**
Rear yard setback	40'	10'	10'	10'	10'	*	10'	10'	40'	**
Side yard setback	50'	10'	10'	10'	10'	*	10'	10'	20'	**
Maximum lot cov.	35%	35%	35%	35%	40%	*	35%	75%	80%	**
Maximum building height	35'	35'	35'	35'	35'	*	35'	35'	35'	**
Accessory Structure										
	Preservation	R Residential	R-1A Residential	R-1 Residential	R-2 Residential	R-3 Residential	R-AA Residential	C Commercial	I General Industry	Residential Suburban
Rear yard setback	40'	10' ± 5'	10' ± 5'	10' ± 5'	10' ± 5'	*	10'	10'	40'	**
Side yard setback	50'	10' ± 5'	10' ± 5'	10' ± 5'	10' ± 5'	*	10'	10'	20'	**
Maximum building height	35'	35' ± 12'	35' ± 12'	35' ± 12'	35' ± 12'	*	35'	35'	35'	**

Section 4. If any provision of the Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of the Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of the Ordinance are hereby declared to be severable.

Section 5. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Council members of the Town of Townsend.

Adopted by at least a majority of the Council members of the Town of Townsend on this ____ day of _____, 2022.

Introduction	April 6, 2022
Public Hearing	April 20, 2022
Final Reading	
Adoption	

Signed By

Patrick Miller
Mayor
Town of Townsend, Delaware

SUMMARY

This act *revises* Chapter 24 of the Townsend Municipal Code relating to side and rear setback requirements for accessory structures and maximum building height requirements for accessory structures in districts R, R-1A, R-1, R-2.